IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 2896 OF 2005

Manoj Kumar M. Kabra .. Petitioner

v/s.

Smt. Pooja Manojkumar Kabra & Anr. .. Respondents

A.M. Saraogi for Petitioner.

A.P. Mundargi i/b Amol Patankar for Respondent No. 1.

Rajesh More, APP.

CORAM: S.K. SHAH, J.

DATE : 3rd May, 2006.

P.C.

Heard learned counsels on both sides. Learned counsel for Petitioner states that counsel Mr. Saraogi is not available and therefore requests for adjournment. However her request is rejected because this matter has appeared yesterday and with the consent of Mr. Saraogi the matter was kept today. The opportunity was given to the advocate to argue the matter. However she says that she is not conversant with the matter and therefore she cannot make any submission.

2. The matter arises out of the interim order passed by the Magistrate whereby the Muddemal worth Rs. 3,45,600/- was directed to be handed over to the original complainant on execution of the indemnity bond in the like amount. The property consists of gold ornaments and some

household articles. This property is concerned in police case for offence under section 498-A, 406, 34 IPC.

3. The entire property was in custody of the applicant/accused who having given undertaking to the court was produced by him before the Investigating Officer and the aforesaid order came to be passed. In the said order while giving interim custody to the original complainant sufficient care has been taken to take indemnity bond. Under the circumstances the writ petition stands dismissed.

4. At the request of the counsel for the petitioner the order shall not be implemented for two weeks from today.

(S. K. SHAH, J)